



NATIONAL TRANSPORTATION SAFETY BOARD
Investigative Hearing

Washington Metropolitan Area Transit Authority Metrorail train 302 that encountered heavy smoke in the tunnel between the L'Enfant Plaza Station and the Potomac River Bridge on January 12, 2015

GROUP	
EXHIBIT	

Agency / Organization

Title

**WMATA
DISCIPLINARY
GUIDELINES MATRIX

FOR ALL OPERATIONS
DEPARTMENTS WITH

ATU LOCAL 689
& IBT LOCAL 922
EMPLOYEES**

EFFECTIVE JANUARY 4, 2015

The WMATA Departmental Disciplinary Guidelines Matrix for all Operational Departments with Local 689 and L922 employees

Background

The WMATA Departmental Disciplinary Guideline Matrix for all Operations Departments with Local 689 and L922 employees was created by the Operating Departments within (BTRA/RTRA/TIES) as an organizational-wide initiative to administer discipline uniformly and efficiently.

The guidelines matrix is comprehensive in scope and identifies significant operational rules, policies, personnel notices, SOP's and NTO procedures for accelerated progressive disciplinary enforcement. The guidelines will provide all Departments with a consistent application of the rules, as it applies to all operations' employees within their individual departments, and employees moving from one Division or Operating District to another. The guidelines comply with the best practices of administering progressive discipline which is designed to change workplace behavior by remedial actions or alternatively serve as punishment for failure to change.

The WMATA Departmental Disciplinary Guideline Matrix is based upon an assessment of the various safety and operational rules, policies and procedures within WMATA and is organized four (4) designated "categories" of violation. The Guideline's categories highlight those Serious Safety/Operational and Critical Safety/Operational violations, although they also include disciplinary and procedural guidelines regarding "General Operational Rules" and "Major Policy/Rule" violations that are also in effect at WMATA.

General Operational Rule violation

General Rule violations are maintained in a Department's rule book or policy statement and have generally minor impact on issues of operational safety. Some examples of these violations are uniform violations, failure to have an employee ID when reporting to work or failure to call off-duty when required from the kiosk. Violations of General Rules follow "progressive discipline" as a corrective method for behavior change. The guidelines for progressive discipline are as follows

- Caution
- Reprimand or 1 day suspension, if less than one 1 year from any last violation
- Three (3) days suspension
- Ten (10) day suspension and Final Warning for an overall record
- Termination

The Disciplinary Guidelines Matrix for Serious and Critical Safety/Operational rules

The focus of the guidelines matrix is identifying safety and operational violations that fall within the rule or policy categories of Serious Safety/Operational and Critical Safety/Operational. These categories address safety/operational rules, policies, personnel notices or SOP/NTO's that are considered detrimental to WMATA's operations and to the safety of others. Rules in these categories, if violated, warrant a more accelerated and severe discipline penalty than a Caution, Reprimand or a One (1) day suspension, in the first instance based upon the facts of the case.

Serious Safety/Operational rules

A Serious Safety/Operational rules are ones that address the potential to cause safety and security risks beyond reasonable and acceptable standards. Violation of this rules could result in damage to property; harm or injury to individuals; serious disruption/interference of service operations and customer service; minor violations of local law. Violations of a serious safety rule or operational rule warrants a greater initial level of corrective discipline, usually a moderate suspension which will include remedial training for the violation.

Some examples of Serious Safety/Operational rules are: Leaving a station/tower unattended (RTRA), Right of Way violations (All Departments), Red Light violation/Speeding (BTRA), Failure to follow a Maintenance OAP (TIES).

Critical Safety/Operational rules

A Critical Safety/Operational rules are ones that address the potential to cause an elevated safety and security risks beyond reasonable and acceptable standards.

Critical Safety/Operational violations could result in substantial damage to property; substantial injury of or to individuals, or a serious violation of local laws. Violations of Critical Safety/Operational rules can result in a substantial suspension or termination depending on aggravating factors.

Some examples of Critical Safety/Operational rules are: Engine Idling (BTRA), Doors Opened off Platform Side (RTRA) Violation Roadway Protection Cardinal Rules (All); Failure to Report Improper Door Opening to OCC (RTRA).

Disciplinary guidelines matrix for Serious Safety/Operational violations

The disciplinary progression for Serious Safety/Operational violations (SV) is a four (4) step process and starts with a:

- Three (3) days suspension and remedial training
- Five (5) days suspension and remedial training
- Ten (10) days suspension and a Final Warning for their overall safety/operational record,
- Termination

Disciplinary guidelines matrix for Critical Safety/Operational violations

The progression for the Critical Safety/Operational violation (CV) category is a three (3) step process and starts with a:

- Five (5) days suspension and remedial training
- Ten (10) days suspension and a Final Warning for their overall safety/operational record,
- Termination

Generally, the Department will review an employee's disciplinary record for these types of violations for a three (3) year look back to determine progression. However, there are some violations with RTRA that have a much longer look back as well as an established higher disciplinary penalty than other Departments. The exceptions are, red signal violations on mainline, train doors improperly opening outside of the platform limits and train doors opening off the platform side of the train. These are all violations that have been determined to be the most critical safety operational violations in RTRA and therefore, have by arbitrational precedent, been established to carry these higher level of penalties.

The remaining exception is the Critical Safety/Operational rule of Failure to notify the OCC of a safety Incident which would have required a 'ground walk-around'; to be performed before moving the train from the incident location. This violation warrants a twenty (20) days suspension in the first instance, if there are no aggravating factors being considered which would make it more.

Aggravating and Mitigating Factors

When the Department is determining the appropriate discipline to be administered for a Serious Safety/Operational Rule violation or a Critical Safety/Operational Rule violation it should consider whether there are any aggravating or mitigating factors that should be weighed. **Aggravating factors** may dictate a more severe penalty in the first instance; **mitigating factors** may justify recommending a lesser penalty based upon the facts of that case. These factors should be considered but only with prior consultation with your respective Department Director and or LABR, prior to taking the action. Some examples of aggravating and mitigating factors are the extent of equipment damage,

personal injury, property damage, prior disciplinary record and employee's length and quality of prior service.

Major Policy/ Major Rule violations

Major Policies are established to set forth the standards of conduct and the expectations of behavior to be performed by employees in our safety sensitive work environment. Major policies generally contain their own disciplinary guidelines for conduct improvement. Some examples of Major Policy/Rule violations are the Electronic Device policy, SAP/EAP policy or Absence For Medical Reasons Policy.

Major Rules are those that are so fundamental to the work environment that violation warrants the most severe employment action based upon their occurrence in the workplace. Some examples of those rule violations are Theft; Willful destruction of property, Falsifying reports, records or statements. However, all violations of a policy or rule that would mandate or consider termination must be reviewed by the Department's Director and LABR prior to the action being taken.

Prior Disciplinary Records Merging

Employees with prior disciplinary records will not have any of their serious or critical safety/operational violations removed from their records for purposes of future actions. Employees with General Operational violations greater than one (1) year that resulted in non-safety related violations will have those violations removed from their records for purposes of future disciplinary actions. ONLY those violations less than one year and those within the last three (3) years that are safety related will be considered for future discipline. Violations older than three (3) years, except, those RTRA violations highlighted earlier and those violations which are contained in various policies or are considered a Major Policy/Rule violation will drop off from consideration for future discipline.

If an employee already has discipline on their record that is equal to or greater than a ten (10) days suspension, but does not have a Final Warning for their overall poor record; the employee, with their next violation, should be given another a ten day suspension and placed on a Final Warning with specific language regarding the requirements prior to being terminated. The only exceptions are, if the violation is one that either warrants the termination in the first instance or the violation has aggravating factors associated with the facts of the case to warrant increasing the level of discipline to a termination.

Navigating Multiple and Various Disciplinary categories

The Disciplinary Guidelines Matrix contemplates a common sense approach to the process of determining the appropriate disciplinary penalty when an employee has committed multiple and various violations from different categories. The initial approach is to complete a fair and full investigation into any new safety/operational violation. Upon completion, the department should review the employee's disciplinary history for the last three (3) years.

Process for determining and evaluating the next penalty

The reviewing official should look at the nature of the offenses committed in the last three (3) years based upon the category of violation. General Operational Violation-(GV), Serious Safety/Operational violations-(SV), Critical Safety/Operational violations-(CV), Final Warning-(FW), Overall Poor Record-(OPR).

*Generally, as a demonstrated measure of progressive disciplinary action issued to improve an employee's behavior, an employee should be given a five (5) days suspension for a "serious safety/operational" or "critical safety/operational" violation prior to be given a 10 days and a Final Warning for their overall poor record, absent "aggravating" circumstances which warrant giving the higher penalty.

**The disciplinary guidelines matrix also contemplates that an employee must be given a 10 days and a Final Warning for their overall record prior to being terminated, absent extenuating aggravating circumstances. WMATA values its employees and takes it serious when it is placed in a position to terminate an employee based upon their actions. Placing an employee on notice with a ten (10) days suspension and a Final Warning regarding their negative behavior gives the employee an additional final opportunity to demonstrate a change in their behavior prior to being terminated. We truly want all our employees to be productive employees, however, there will be those employees whose futures are not aligned with the goals and standards WMATA has set for its workforce and termination is the only option left. When determining such cases you should always consult with your immediate Director and LABR, in accordance with policies for that purpose.

The following are examples of how the utilization of the disciplinary guidelines matrix should be used to comply with WMATA's expectation of consistency, progressive action, behavior change and best practices:

Examples of how to navigate multiple and various disciplinary categories

Ex. 1

Violation Pattern

GV-Caution

CV-5days w/ remedial training

GV-3days

SV-10days and FW for OPR

An employee has a General Operation Violation (GV) and gets a Caution which is the first of the progression for (GV) violations. The employee then gets a Critical Safety/Operational Violation (CV) and gets Five (5) days suspension. In this case the (GV) would not have any impact on the violation penalty in the (CV) category.

The employee then gets another (GV) and based upon the guidelines, the employee would be given a three (3) day suspension because the progression for the third violation for a (GV) is three (3) days. Even though the employee already has a (CV) on their record, the next violation is not that significant that would warrant a greater progression. The employee then has a Serious Safety/Operational violation (SV). The employee would then be given a ten (10) days suspension and a Final Warning for their overall poor record. Any subsequent violation in a three (3) year look back period would result in his termination.

Ex. 2

Violation Pattern

SV-3 days w/ remedial training

GV-1 day

SV-5 days w/ remedial training

GV-10 day Final Warning

The employee commits a (SV) and is given a three (3) days suspension for the first violation. The employee then commits a (GV) within 1 year of the previous violation therefore, would be given a one (1) day suspension. (If the violation occurred greater than one (1) year the penalty would be a Reprimand) The employee then commits another (SV) they would be given a five (5) days suspension which would be the second violation in this category. The employee then commits a (GV) and because the fourth step of a GV progression, the employee is given a Ten (10) days suspension and a Final Warning that they are developing an overall poor record. Any violation within the next three (3) years would result in the employee's Termination for their overall poor record.

Ex.3

Violation Pattern

SV-3 days w/ remedial training

CV-5 days w/ remedial training

CV or SV-10 days and Final Warning for overall poor record

Termination

The employee commits a (SV) and gets three (3) days suspension. Then the employee commits a (CV) and gets five (5) days suspension. The employee then commits another (SV) or (CV) and gets ten (10) days suspension and a Final Warning for their overall poor record. The employee is informed that based upon their prior violations, many being of the serious or critical safety/operational type, they have developed an overall poor record. The next violation in any category within the next three (3) years will result in the employee's termination for their overall poor record.

Ex.4

Violation Pattern

CV-5 days w/ remedial training

GV-1 day

SV-10 days and final warning for overall record

Termination

The employee commits a (CV) and gets a five (5) day suspension. The employee then commits a (GV) within a one (1) year period and gets a one (1) day suspension. The employee then commits (SV) and gets a ten (10) days suspension and Final Warning for overall poor record. The employee then commits another (GV), (SV) or (CV) it would result in a termination, for overall poor record.

Ex. 5

Violation Pattern

SV-3 days w/ remedial training

GV-1 day

CV-5 days w/ remedial training

GV-10 days and Final Warning for overall record

Termination

The employee commits a (SV) violation and is given a three (3) days suspension. Then the employee commits a (GV) violation within (1) year and is given a one (1) day suspension. The employee then commits a (CV). In this case, since the employee has not previously received a five (5) days suspension, the employee cannot be placed on a ten (10) days suspension with a final warning. Therefore, the employee receives a five (5) days suspension for the CV. Then the employee commits a general rule violation and is given a ten (10) days suspension, (absent aggravation). Any future violation within the respective time period will result in the employee's termination.

Ex. 6

Violation Pattern

GV-Caution

SV-3 days w/ remedial training

GV-3 days

SV-5 days w/ remedial training

GV, SV, CV-10 days and Final Warning

The employee commits a (GV) and is given a Caution. The employee then commits a (SV) and is given a three (3) days suspension. The employee then commits another (GV) and is given a three (3) days suspension if less than one (1) year or a one (1) day if, greater than one (1) year. The employee then commits a (SV) and should receive a five (5) days suspension based upon the caveat that an employee should receive a five (5) days suspension prior to being given a 10 days and a Final Warning. The next violation for any (GV, SV, CV) violation would result in termination.

Correct the following violation pattern and provide an explanation:

Ex. 7

Violation Pattern

GV-Caution

SV-1 days

GV-Reprimand

SV-10 days***

GV, SV, or CV-10 days and Final Warning

Termination

Answer Key for Example 7:

Caution

3 days w/ remedial training

3 days

5 days

10 days and a Final Warning

Termination